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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,258	09/21/2001	Hitoshi Yashio	33805	1453

116 7590 03/20/2006

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/889,258	Applicant(s) YASHIO ET AL.	
	Examiner Justin E. Shepard	Art Unit 2617	

–The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

THE REPLY FILED 06 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


VIVEK SRIVASTAVA
PRIMARY EXAMINER

Response to Arguments

Applicant's arguments filed 3/6/2006 have been fully considered but they are not persuasive.

Paragraph 1, line 9.

The applicant argues that the labels referred to by Schuler are not pictures or videos. In column 2, lines 54-55 it clearly states, "a typical label is a low resolution digital representation of a high resolution source image." The label is clearly a picture and the rejection stands.

Paragraph 1, last 9 lines.

The applicant argues that the display is not made up of multiple segments. This limitation is not claimed in claims 1, 2, or 6 so the argument is moot.

Paragraph 2, last 7 lines.

The applicant argues that Schuler does not disclose simultaneous division and regeneration of the encoded picture. In column 7, lines 52-55 Schuler discloses "the segments can be designated by, for example, regular sampling, wherein a segment is marked with labels extracted at a repeating predetermined time duration such as one second." The label is not made up of the beginning and ending points as noted by the applicant. The clip is being divided in one pass, which the examiner interprets as simultaneous. The regeneration of the picture is the creation and display of the labels. The rejection stands.

Last paragraph on page 6.

The applicant is arguing that the rejection of the independent claim is not valid; therefore the rejection of the dependent claim is not valid. As argued above, the rejection of the independent claim is valid and therefore so is the rejection of the dependent claim.

Page 4, paragraph 2.

The applicant is arguing that the display is multiple individual images, and not a synthesized image. In column 10, lines 2-6 Schuler discloses where the images are stored with a 4-bit depth. This is lower quality than standard images seen on a home computer, so the images are viewed as being compressed to save space. This compression is interpreted as synthesizing the images.

Page 4, paragraph 3.

This argument was responded to above.

Page 5, first paragraph.

The applicant argues that Protheroe discloses "creating the illusion of time division," and does not actually divide the image. The claim does not state the limitation of physically dividing the clips up before outputting them to the user. As

this limitation is not in the claim, the "illusion of time division" reads on the actual limitation and the rejection stands.

Page 5, second paragraph.

This argument was responded to above.

Page 5, last paragraph.

This argument was responded to above.

Page 6, paragraphs 2 and 3.

The applicant is arguing that the rejection of the independent claim is not valid; therefore the rejection of the dependent claim is not valid. As argued above, the rejection of the independent claim is valid and therefore so is the rejection of the dependent claim.

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a stylized, sweeping flourish extending from the bottom right.

VIVEK SRIVASTAVA
PRIMARY EXAMINER